

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF GEORGIA, ROME DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

Vs.

#4:19cr30 HLM-WEJ

JUAN CAIN VALENCIA-RAMIREZ

JAVIER RIVIERA-SALAZAR

Defendants.

MOTION IN LIMINE TO EXCLUDE VOICE RECORDINGS

Comes now the Defendant, by and through counsel and moves in limine pursuant to Rule 401 and 403 of the Federal Rules of Evidence to exclude all evidence offered by the government of alleged voice recordings of phone calls of the defendant. It is anticipated that the government may offer evidence from wire taps that have been recorded in the past which are not related to the facts described in the indictment. Moreover, these recordings if offered would only be probative of issues which are peripheral to the charges in the indictment and the probative value would be substantially outweighed by the danger of unfair prejudice pursuant to Rule 403 or the recordings are irrelevant.

RESPECTFULLY SUBMITTED,

**MCKOON, WILLIAMS, ATCHLEY &
STULCE, PLLC**

BY: /s/ Clayton M. Whittaker
Clayton Whittaker, GA Bar #756653
Attorney for Defendant
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450
(423) 756-6400/fax: (423) 756-8600
Email: cwhittaker@mwalawfirm.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system as set forth in the electronic filing receipt as set forth below on this the 20th day of May, 2020. Parties may access this filing through the Court's electronic filing system.

Mr. John DeGenova
Assistant United States Attorney
Northern District of Georgia
75 Ted Turner Drive, SW Suite 600
Atlanta, GA 30303
(404) 581-6049 (desk)
(404) 581-6181 (fax)

/s/ Clayton M. Whittaker
McKoon, Williams, Atchley & Stulce, PLLC